

# Washington State turns to U.S. court to enforce federal cleanup at Hanford

- The federal government has a clear legal and moral obligation to clean up the massive toxic legacy at Hanford from America's nuclear weapons program, which won the Cold War and made the world a safer place.
- The U.S. Department of Energy is grossly out of compliance with state and federal environmental laws and with the Tri-Party Agreement (TPA) cleanup order, signed in 1989 by Washington State, the Energy Department, and the U.S. Environmental Protection Agency.
- The federal government's legacy at the Hanford nuclear reservation is a legacy of broken promises.
- Under President Bush's proposed 2009 federal budget, only one tank at Hanford will be emptied next year.
- At that rate, it would take 140 years to empty the remaining 142 single-shell underground storage tanks and process the highly radioactive and hazardous waste at Hanford.
- We don't have 140 years to empty those tanks before they fail with catastrophic results.

## Litigation is necessary to compel completion of the Hanford cleanup

We have notified the U.S. Department of Energy, the Environmental Protection Agency, and the Department of Justice that we are filing suit in federal court to enforce the terms of the Tri-Party Agreement and state and federal environmental laws.

We are forced to sue because the Energy Department is grossly in violation of the terms of the TPA.

Our suit will ask the court to establish and enforce specific deadlines for emptying 142 single-shell tanks and for treating the 53 million gallons of hazardous and radioactive waste in all 177 underground tanks.

- The Energy Department is obligated under both the Tri-Party Agreement and federal and state environmental statutes to empty these tanks and treat the waste from the tanks.
- Our bottom line objective is to develop a schedule that the Energy Department is required to comply with.
- Unfortunately, the Tri-Party Agreement has not been effective in this regard.

# **Focus on Hanford cleanup lawsuit**

## **Nuclear Waste Program**

**November 2008**

We have also formally asked the federal agencies to implement new groundwater and soil cleanup deadlines to avoid further delays in taking essential environmental action around the Hanford site, especially next to the Columbia River. The technical content of our groundwater and soils cleanup request is consistent with what we've discussed with the Energy Department and EPA over the past 18 months. We believe this work as well as other Hanford work covered within the TPA can and must proceed while our lawsuit concerning treatment of the tank waste advances through the federal courts.

### **The litigation responds to public concerns**

We're doing what the people of the Pacific Northwest, including tribal nations, expect us to do to protect our region, our environment, and our economy. We received extensive regional public comment in 2007 as the negotiations proceeded.

Our citizens made it very clear that they want the Energy Department to get the radioactive and hazardous waste contamination out of the underground aquifer, empty the tanks, and treat all of the waste in those underground tanks -- and do it quickly before this material causes irreparable harm to groundwater and the Columbia River, upstream from more than a million people.

### **The federal government had the opportunity avoid litigation**

Gov. Chris Gregoire and Attorney General Rob McKenna didn't arrive at this decision lightly.

The current administration had the opportunity to avoid litigation, but chose instead to make litigation unavoidable.

In fact, in our negotiations, we reached agreement on work to be performed -- and a schedule. It was the federal government's insistence on unacceptable legal terms that killed a settlement.

The cleanup schedule that we were prepared to agree to is realistic and technically achievable.

Over 18 months, we negotiated in good faith. This included personal meetings with Energy Secretary Samuel Bodman.

Ultimately, however, the negotiations didn't produce a settlement agreement because the federal government insisted on terms that would not meet the state's interests in an enforceable cleanup schedule.

Endless delays are simply unacceptable and unconscionable. The stakes are far too high -- for the Columbia River, for communities downstream from Hanford, and for the economic security of the entire region.

### **We're willing to work with the Obama administration**

We're suing the federal government for its failure to clean up Hanford.

Should the change in federal administration result in the federal government being willing to discuss reasonable settlement terms, we certainly would be willing to do so. We're hopeful that once President Obama takes office, his administration will work with us on solutions to the stalled cleanup at Hanford.

Right now, however, this litigation is necessary to protect our state's options for holding the federal government to the commitments it made in the Tri-Party Agreement and for ensuring that the federal government complies with environmental laws.

### **The current administration's nuclear budget priorities are wrong**

Getting the Hanford cleanup back on track requires that our federal officials get their nuclear priorities right.

In the proposed 2009 federal budget, the federal government was willing to increase spending on every major category of our government's nuclear program except one: cleaning up the toxic legacy that lurks at nuclear reservations and facilities around the nation.

The current administration requested increased funding for nuclear weaponry, nuclear energy, nuclear science and management.

But it requested \$800 million less for environmental cleanups at Hanford and other federal nuclear sites in 14 states.

The proposed federal budget for 2009 falls \$600 million short of what the Energy Department says it needs for cleanup at Hanford in 2009.

### **The Energy Department is ignoring the schedule it agreed to in the Tri-Party Agreement**

The TPA milestones didn't keep the Energy Department on track with tank retrievals and tank waste treatment. Energy is now so far off track with removing waste from tanks and treating it that the TPA milestones are now unachievable. Energy no longer even looks to the TPA as a compliance baseline for tank retrievals and waste treatment. Instead, the agency has developed its own internal project baselines, outside the scope of any legal order, and it is budgeting and requesting appropriations based on that internal baseline.

# Focus on Hanford cleanup lawsuit

## Nuclear Waste Program

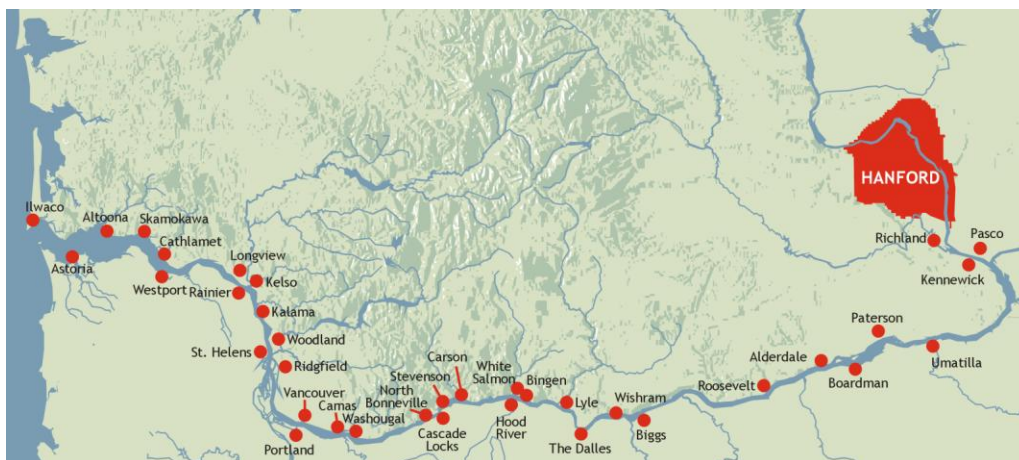
November 2008

We've spent nearly two years attempting to negotiate new legal milestones for emptying the tanks and treating the waste. The federal government has insisted on unacceptable legal terms to accompany these new milestones that would not protect the state's interest in ensuring completion of the work on a reasonable timeline.

### A river at risk, communities at risk

This lawsuit is about the Columbia River – a vital lifeline of our region. It's about the health and safety and economic security of our region.

We must have an enforceable cleanup schedule to ensure the federal government won't once again fall behind schedule. We have confidence that we will be successful in obtaining a federal court order that will protect the interests of our state and our citizens.



Just below ground at the Hanford site are 177 enormous steel tanks. They contain 53 million gallons of heavy metals, acids, solvents and highly radioactive elements, including plutonium, cesium, strontium and uranium. One hundred forty-nine of these tanks are of single-wall construction well beyond their design lifespan, and 67 of the tanks have confirmed leaks. These tanks will fail if the federal government does not empty them in time. The question is whether we can get the waste out of them before the tanks become impossible to retrieve.

If this toxic brew were buried 12 miles from the Potomac River, the water source for hundreds of thousands of people in the D.C. area, the federal government would undoubtedly have made it a top budget priority.

Each passing day increases the risk of leakage and catastrophic tank failure at Hanford. There is a very real potential for these aging tanks to develop further cracks. Each delay increases the risk to workers, the environment and more than a million people who live and work near the Columbia River downstream from Hanford.

# **Focus on Hanford cleanup lawsuit**

**Nuclear Waste Program**

**November 2008**

At this moment, several toxic plumes under Hanford have already contaminated parts of the groundwater aquifer and are moving toward the river. The federal government simply must intercept these plumes – and keep further contamination, such as that from the tanks, from moving through the soil and into the aquifer.

## **Our regional economy at risk – and a willing work force to get the cleanup done**

More than a million people live downstream from Hanford in and near 42 communities.

In the Oregon counties along the river below Hanford, 32,000 companies depend on clean, safe water to provide 500,000 jobs with a payroll of \$18 billion -- 30 percent of the state's economic activity.

In the Washington counties below Hanford, 25,000 companies rely on water to provide 280,000 jobs and a payroll of \$9.5 billion -- 10 percent of the state's economic activity.

A dedicated pool of skilled people is ready to work, day in and day out, to clean up Hanford.

In 2006 there were 13,000 Hanford jobs with a payroll of more than \$1 billion a year. Reductions due to budget constraints under the current administration have left Hanford's work force at about 9,000 people today.

Each layoff at Hanford further delays the cleanup of the soil and the groundwater, and increases the risk of a catastrophic failure of those underground tanks – with their millions of gallons of highly toxic and radioactive waste, left over from the Cold War.

All that the workers at Hanford need is our national government's re-dedication to getting the job done.

And the job must be done safely, so that the workers and the surrounding communities are safe. The work is inherently dangerous, but we have the skill and resources to ensure that our workers are fully trained and are well protected as they do the clean up for us all.

### **For more information:**

Dru Butler, Ecology Nuclear Waste Program, 509-372-7934

David Workman, Ecology Communication & Education Office, 360-407-7004